324.6
H1921x

HANDBOOK

For

LOCAL ELECTION OFFICIALS

FOR 1987

DEPOSITORY
OCT 29 1986
UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

Issued by
the
STATE BOARD OF ELECTIONS

PREFACE

The Election Code of Illinois (Illinois Revised Statutes, Chapter 46, Section 1-1, et seq.) comprehensively and uniformly governs the conduct of all elections in the State. Since the consolidation of the schedule of elections in December, 1980, all elections in Illinois - with a few exceptions - are held on five regular dates over a two year period.

This Handbook for Election Officials incorporates amendments and additions to the Election Code that have occurred since its last publication in August, 1984. The guidelines for local election officials described herein with appropriate reference to the applicable provision of the Election Code (all citations are found in Ill. Rev. Stat., 1985 Chapter 46, unless otherwise indicated) have been modified to conform to the changes in the law.

Local election officials, who will have occasion from time to time to refer to this handbook in the exercise of their election related duties and responsibilities, will get maximum guidance and benefit if the following principles are kept in mind.

1. Any changes in the Election Code which may have been enacted after August 1, 1986, the publication deadline for this handbook, have not been included herein.
2. If any provision of this handbook conflicts with a provision of an earlier edition, the language in this handbook will control.
3. Although every effort has been exerted to conform this handbook accurately to the Election Code, if there is a conflict between any provision in this book and the Election Code, the Election Code will control. If any local election official perceives such a conflict in his/her interpretation

of any provision in this handbook, the question should be submitted promptly to competent legal counsel or the State Board of Elections.

ELECTION CONSOLIDATION HANDBOOK

FOR

LOCAL ELECTION OFFICIALS

TABLE OF CONTENTS

		Page
I.	SCHEDULE OF ELECTIONS	
	A. Regular Election Schedule	1
	B. Exceptions	3
	C. Exemptions	4
	D. Applicability to Special Charter Municipalities	4
II.	GLOSSARY OF TERMS	5
III.	REGISTRATION AND VOTER IDENTIFICATION	
	A. Deputy Registrars	9
	B. Close of Registration	9
	C. Use of Precinct Binders	10
	D. Voter Identification for Ballot Entitlement	10
	E. Notice of Boundary Changes	11
	F. Municipal Ward Boundries	12
IV.	PETITIONS AND OBJECTIONS	
	A. Requirements	13
	B. Caucus Nominations	15
	C. Accompanying Documents	16
	D. Place of Filing	17
	E. Time of Filing	19
	F. Simultaneous Petition Filing	22
	G. Campaign Disclosure Documents	23
	H. Petition Objections and Hearings	24
	I. Petition Withdrawal	28
V.	CERTIFICATION OF CANDIDATES	
	A. For the Consolidated Primary	29
	B. For the Consolidated and Nonpartisan Elections	31
	C. Additional Certification Requirements	32
	D. Ballot Placement Lottery	33

Digitized by the Internet Archive
in 2016

https://archive.org/details/handbookforlocal00illi

Page

VI. ABSENTEE VOTING

A. In General 35
B. Local Absentee Voting - Authorization 36
C. Local Absentee Voting - Supplies 37
D. Local Absentee Voting - Conduct 38
E. Military and Overseas Voting 39
F. Temporarily Absent Student Voting 39

VII. ELECTION ADMINISTRATION

A. Notice of Election 40
B. Precincts and Polling Places 44
C. Judges of Election 45
D. Ballots 46
E. Conduct of Elections 51
F. Form of Election Returns 52

VIII. CANVASS AND PROCLAMATION

A. Transmittal of Returns 54
B. Local Canvass Procedures - Primary 54
C. Local Canvass Procedures - Election 56
D. Write-In Candidates 58

IX. RECOUNTS AND CONTESTS

A. Discovery Recounts 59
B. Primary Contests 60
C. Election Contests 61

X. VACANCIES AND SPECIAL ELECTIONS

A. Vacancies in Nomination 64
B. Vacancies in Office 66

XI. PUBLIC QUESTIONS (Referenda)

A. In General 71
B. Questions Having Legal Effect 71
C. Advisory Questions 72
D. Time of Petition Filing 73
E. "Back-Door" Referenda 74
F. Certification 75
G. Objections 76
H. Court-Ordered Questions 77
I. Contesting Referenda Elections 78
J. Emergency Referenda 79
K. Incorporation or Formation of New Political Subdivisions 80

XII. ELECTION COSTS 82

I. SCHEDULE OF ELECTIONS

A.

REGULAR ELECTION SCHEDULE

1. <u>Odd-Numbered Year Elections</u>:

   a. The Consolidated Primary Election, if required, is held on the last Tuesday of February for the nomination of Municipal candidates. (Sec. 1-3(4), 2A-1.1(b), 2A-1.2(d)).

   b. The Consolidated Election is held on the first Tuesday of April (unless the election conflicts with the celebration of Passover in which case the election will be postponed to the first Tuesday following the last day of Passover) for the election of officers for Municipalities, Park Districts, Library Districts and School Boards in school districts operating under Article 33 of the School Code. (Sec. 1-3(4), 2A-1.1(b), 2A-1.2(c); Ch. 122, Sec. 33-1)

   c. The Nonpartisan Election is held on the first Tuesday after the first Monday of November for the election of officers for School Boards (except for school boards in school districts operating under Article 33 of the School Code), Community College Districts, Regional Boards of School Trustees, Township School Trustees, Township Land Commissioners, Fire Protection Districts and other special districts. (Secs. 1-3(4), 2A-1.1(c), 2A-1.2(e)).

2. Even-Numbered Year Elections:

a. The General Primary Election is held on the third Tuesday of March for the nomination of candidates for Federal, State, Legislative, Judicial, County and Sanitary District offices and the election of officers for Political Parties, Municipalities (on an annual election schedule) and School Districts operating under Article 33 of the School Code. (Secs. 1-3(4), 2A-1.1(a), 2A-1.2(b); Ch. 122, Sec. 33-1)

NOTE: Pursuant to authority set forth in Section 33-1 of the School Code, school districts operating under Article 33 shall, except as is provided in Section 33-1a, hold their election for officers at the general primary election as well as the Consolidated Election.

b. The General Election is held on the first Tuesday after the first Monday of November for the election of officers for Federal, State, Legislative, Judicial and County offices and Trustees for Sanitary Districts and the retention of Judicial officers. (Secs. 1-3(4), 2A-1.1(a), 2A-1.2(a))

NOTE: Generally, referenda and special elections may be held on any one of the five regularly scheduled elections. However, there may be restrictions set forth in the statute authorizing the referenda that limit the public question to submission at a particular election. Section 28-1 restricts referenda to regular elections at which voters will cast votes for candidates. This effectively prevents referenda in most areas for the consolidated primary election.

B.

EXCEPTIONS

1. Special Municipal Primary - A special municipal primary election occurs six (6) weeks before the General Primary Election of even-numbered years for special charter villages and incorporated towns which have an annual election schedule and are required to hold either a partisan or nonpartisan primary. (This municipal primary election is a regular election only with respect to those municipalities in which a primary is required to be held.) (Secs. 2A-1.2(b), (3), 7-4(1), 7-56.2)

2. Congressional Vacancy - A congressional vacancy requires a special election pursuant to a writ issued by the Governor as mandated by the U.S. Constitution. (Sec. 2A-1(b))

3. Emergency Referenda - Emergency referenda are allowed only by circuit court order when circumstances beyond the control of the political subdivision create an immediate need for additional authority (e.g., taxing, bonding) to maintain its operations or facilities. Emergency referenda provisions are explained in greater detail on pages 79 and 80. (Secs. 2A-1(b), 2A-1.4)

4. Court-Ordered New Elections - In the event a court voids an entire political subdivision election pursuant to an election contest, it may order a special election on another date without regard to the consolidated schedule. Expenses for the conduct of a special court-ordered election are charged to the political subdivision when the special election is not conducted at the time of a regular election. (Secs. 2A-1(e), 17-30, 17-32, 17-33, 18-18)

5. Annual Town Meeting - Voting by township electors at the annual town meeting to accept or reject an action by the township board of

trustees shall not be considered a "referendum" subject to the consolidated schedule of elections. However, we recommend that township officials consult with their legal counsel before any such action to ensure its viability. (Sec. 2A-1(b))

C.

EXEMPTIONS

The consolidated election schedule does not apply to elections for officers or public questions of soil and water conservation districts or drainage districts. These local governmental units hold semi-private elections with such features as land use or land ownership requirements and proxy voting. Also, registration is not required for these elections. (Secs. 2A-1(a), 4-1)

D.

APPLICABILITY TO SPECIAL CHARTER MUNICIPALITIES

The Election Code requires special charter municipalities to conduct their elections in accordance with the consolidated election schedule. (Secs. 2A-1(b), 2A-1.2(b)(3))

II. GLOSSARY OF TERMS

The election terms defined below will be used throughout this handbook:

A. "CONSOLIDATED ELECTION" is the biennial election held on the first Tuesday in April in odd-numbered years at which municipal, park district and library district officers and officers of school districts operating under Article 33 of the School Code are elected. This is a regularly scheduled election. (Secs. 1-3(4), 2A-1.1(b))

B. "CONSOLIDATED PRIMARY ELECTION" is the biennial election held on the last Tuesday in February in odd-numbered years at which candidates may be nominated for those offices to be filled at the consolidated election. This is a regularly scheduled election. (Secs. 1-3(4), 2A-1.1(b))

C. "DISTRICT" is any area which votes as a unit for the election of any officer, other than the State or a unit of local government or school district, including, but not limited to, legislative, representative, congressional and judicial districts, judicial circuits, county board districts, municipal and sanitary district wards, school board districts, and precincts. (Sec. 1-3(14))

D. "ELECTION" is the submission of candidates and/or questions of public policy to a popular vote and includes primary elections when so indicated by the context. (Sec. 1-3(1))

E. "ELECTION AUTHORITY" is either a County Clerk or a City or County Board of Election Commissioners. (Sec. 1-3(8))

F. "ELECTION JURISDICTION" means (1) an entire county, in the case of a county in which no city board of election commissioners is located or which is under the jurisdiction of a county board of

election commissioners; (2) the territorial jurisdiction of a city board of election commissioners; and (3) the territory in a county outside of the jurisdiction of a city board of election commissioners. In each instance election jurisdiction shall be determined according to which election authority maintains the permanent registration records of qualified electors. (Sec. 1-3(9))

G. "ESTABLISHED POLITICAL PARTY" (for purposes of this handbook - an established local political party) is a local political party which at the last municipal election received more than 5% of the entire vote cast in the election. (Secs. 7-2, 10-2)

NOTE: The Democratic and Republican parties <u>are</u>, by definition, established political parties statewide and in all political subdivisions of the State. (Secs. 7-2, 10-2)

H. "GENERAL ELECTION" is the biennial election held on the first Tuesday after the first Monday of November in even-numbered years at which federal, state, judicial, legislative, representative and county officers are elected or retained. <u>This is a regularly scheduled election</u>. (Secs. 1-3(4), 2A-1.1(a))

I. "GENERAL PRIMARY ELECTION" is the election held biennially on the third Tuesday in March in even-numbered years at which candidates of political parties are nominated for those offices to be filled at the general election, and officers of school districts operating under the provisions of Article 33 of The School Code shall be elected. <u>This is a regularly scheduled election</u>. (Secs. 1-3(4), 2A-1.1(a))

J. "LOCAL ELECTION OFFICIAL" is the clerk or secretary of a unit of local government or school district, the treasurer of a township board of school trustees, and the regional superintendent of

schools with respect to the various school officer elections and school referenda for which the regional superintendent is assigned election duties by The School Code. (Sec. 1-3(10))

K. "MUNICIPAL ELECTION" is an election or primary, either regular or special, in cities, villages, and incorporated towns. (Sec. 1-3(5))

L. "NEW POLITICAL PARTY" see Section 10-2 of the Election Code (Sec. 10-2) or consult your legal counsel or the State Board of Elections. NOTE: A local new political party is initally formed by petition filed with the local election official of a municipality, township, or road district. The petition shall state the name of the party in five words or less and shall nominate candidates for <u>all</u> offices scheduled for election. In addition, a new political party petition shall have attached thereto a certificate with the names and addresses of party officers authorized to fill vacancies in nomination. However, some municipalities, either by statute or local option conduct nonpartisan elections exclusively and preclude parties from the ballot. (Sec. 10-2)

M. "NONPARTISAN ELECTION" is the biennial election held on the first Tuesday after the first Monday in November in odd-numbered years at which school districts officers (except those operating under Article 33 of The School Code), community college district officers, regional board trustees, township board trustees, township land commissioners, fire protection district officers, and other special district officers are elected. <u>This is a regularly scheduled election</u>. (Secs. 1-3(4), 2A-1.1(c), 2A-1.2(e))

N. "POLITICAL OR GOVERNMENTAL SUBDIVISION" is any unit of local government or school district; and for election purposes, any area electing regional boards of school trustees or township boards of school trustees. (Sec. 1-3(6))

O. "QUESTION OF PUBLIC POLICY OR PUBLIC QUESTION (REFERENDUM)" is any question, proposition or measure submitted to the voters at an election dealing with subject matter other than the nomination or election of candidates, including, but not limited to, any bond or tax referendum and questions relating to the Constitution. (Sec. 1-3(5))

P. "REGULAR ELECTION" is any of the five regularly scheduled elections - the general primary election, general election, consolidated primary election, consolidated election, and the nonpartisan election. The even-numbered year municipal primary is also a regular election, but only with respect to those municipalities which are required to hold such a primary. (Secs. 1-3(2), 2A-1)

Q. "SPECIAL ELECTION" is an election not regularly recurring at fixed intervals, regardless of whether it is held at the same time and place and by the same election officers as a regular election. (Sec. 1-3(3))

R. "VOTER" - For the purpose of determining eligibility to sign a nominating petition or a petition proposing a public question the terms "voter," "registered voter," "qualified voter," "legal voter," "elector," "qualified elector," "primary elector" and "qualified primary elector" as used in the Election Code or in another Statute shall mean a person who is registered to vote at the address shown opposite his signature on the petition or was registered to vote at such address when he signed the petition. (Sec. 3-1.2)

III. REGISTRATION AND VOTER IDENTIFICATION

The Election Code provides that voter registration will be required for all elections.

A.

DEPUTY REGISTRARS

The election authority shall appoint all municipal and township or road district clerks or their duly authorized deputies as deputy registrars who may accept the registration of all qualified residents of their respective municipalities, townships or road districts. Municipal clerks or their duly authorized deputies serving as deputy registrars in a municipality which lies in more than one county may accept the registration of any qualified resident of the municipality regardless of which county the resident lives in. (Sec. 4-6.2, 5-16.2)

B.

CLOSE OF REGISTRATION

Municipal, township or road district clerks or their duly authorized deputies serving as deputy registrars may accept registrations outside their respective offices at any time other than the 35 day period preceding an election. (Secs. 4-6.2, 5-16.2)

Municipal, township or road district clerks or their duly authorized deputies serving as deputy registrars may accept registrations at their respective offices at any time other than the 28 day period preceding an election. (Secs. 4-6, 5-5)

NOTE: Registration is closed only in those areas of the county where elections are being conducted.

C.

USE OF PRECINCT BINDERS

The duplicate registration record cards in the precinct binders will be used in all elections to identify and qualify persons requesting to vote. The precinct binders will be provided to the judges of election by the election authority. (Secs. 4-20, 5-28, 6-65)

D.

VOTER IDENTIFICATION FOR BALLOT ENTITLEMENT

The Election Code provides that precincts established by county boards and city boards of election commissioners and used by the election authorities for the federal, state and county elections of even-numbered years will be the precincts for the consolidated primary, consolidated election and nonpartisan elections of odd-numbered years. Since boundary lines of most political subdivisions (municipalities, school districts, park districts, etc.) overlap and intersect county precincts, the election authority must identify and "code" voters in each precinct by residency in each political subdivision for the purpose of ballot entitlement.

Once the election authority has determined for each precinct under his/her jurisdiction -- which voters are entitled to vote in which political subdivision elections, this information is furnished to the judges of election in each precinct by means of "coded" precinct registration records (e.g., binder cards) or separate "coded" registration lists. (Secs. 4-21, 5-28.1, 6-31.1)

Thus, the judges of election in charge of the precinct registration files shall determine the qualifications of persons making application to vote as follows:

1. The judges must determine if the person requesting to vote is qualified to vote by locating his/her binder (registration) card. Then, the judges must identify the person requesting to vote as the registered voter shown on the binder card by comparing the signature on the ballot application with the signature on the binder card; and

2. The judges must check the code on the binder card (or on a separate registration list) to determine in which political subdivision election(s) the voter is entitled to vote. Once the determination is made, the judges shall mark the voter's ballot application to show the respective political subdivision ballot(s) the voter will be given. Then, the ballot issuing judge shall give the voter the proper ballot(s) as indicated on the ballot application. This procedure provides an "audit trail" to equate the number of political subdivision ballots issued with the number of ballots cast in a political subdivision election. (Secs. 4-22, 5-29, 6-66)

E.

NOTICE OF BOUNDARY CHANGES

The boundary lines of political subdivisions (or districts therein) may be changed by the following events:

1. annexation of new territory;
2. disconnection of existing territory;
3. merger of two or more political subdivisions; and
4. redistricting of wards or districts.

The election authority is required to maintain permanent records of the boundaries of all political subdivisions partially or wholly within its

jurisdictions. Therefore, no later than five (5) days after redistricting, annexation, disconnection or adoption of any such governmental boundary change - whether by referendum or by ordinance - the local election official shall give notice of such change to each election authority having jurisdiction over any of the affected territory in the political subdivision. This notice shall contain a description of the boundary change and indicate the effective date. (Secs. 4-21, 5-28, 6-31.1)

However, generally, if the boundary changes are adopted within 60 days of an election, the effective date of the change is automatically delayed until the day after the election. Consult your legal counsel or the State Board of Elections to determine whether a boundary change effective date will be delayed. (Sec. 11-5)

It is recommended that a political subdivision map showing the territory affected by the boundary change accompany such notice.

Based on such notice, the election authority will either "code-in" persons entitled to vote and/or "code-out" persons no longer entitled to vote in elections in the political subdivision.

F.

MUNICIPAL WARD BOUNDARIES

The Election Code requires the county clerk to "code" voters residing in wards not under a board of election commissioners. However, insofar as practicable, the county board precincts will be situated in one municipal ward. Therefore, in order to situate each precinct within a single district or ward, the county board shall change boundaries of election precincts after each decennial census, as soon as is practicable, following the completion of congressional and legislative redistricting. (Secs. 4-21, 5-28.1, 6-31.1, 11-1, 11-2)

IV. PETITIONS AND OBJECTIONS

A.

PETITION REQUIREMENTS

(See 1987 Candidates Guide published by the State Board of Elections for a more indepth discussion of Petition requirements.)

Generally, petition requirements - forms, content, number of signatures, and so on - for established political party candidates for municipal offices shall be governed by Article 7 of the Election Code and petition requirements for new political party or independent candidates for municipal offices shall be governed by Article 10 of the Election Code.

The petition requirements for nonpartisan candidates are generally governed by the applicable political subdivision statute. If there are no petition requirements prescribed in a political subdivision statute, the petition requirements of Article 10 of the Election Code relating to independent candidates are controlling. (Sec. 10-3.1)

Nominations papers filed by a candidate shall consist of:

1. Nominating petition sheets or a Certificate of Nomination when the nomination is made by a party caucus;
2. Statement of Candidacy;
3. Receipt for filing a Statement of Economic Interests; and
4. Loyalty Oath (optional).

No petition sheet shall be circulated more than 90 days preceding the last day provided for the filing of such petition. (Secs. 7-10, 10-4)

Petitions circulated for established political party candidates and nonpartisan candidates who are required to file for the Consolidated Primary Election may be circulated starting September 16, 1986, for the filing period December 8, 1986 through December 15, 1986, for the consolidated primary to be held February 24, 1987.

Petitions circulated for independent candidates, new political party candidates and nonpartisan candidates who are required to file for the Consolidated Election may be circulated starting October 28, 1986, for the filing period January 19, 1987 through January 26, 1987, for the consolidated election to be held April 7, 1987.

Petitions circulated for school districts, community college districts, fire protection district officers and officers of other special districts may be circulated starting May 26, 1987, for the filing period August 17, 1987 through August 24, 1987, for the nonpartisan election to be held November 3, 1987.

NOTE: Municipalities divided into wards or districts - Component petitions for the formation of new political parties in municipalities that are divided into wards or districts and partisan elections are not prohibited. In addition, all new political party petitions shall have attached a certificate indicating the names and addresses of the party officers authorized to fill vacancies in nomination. Consult your legal counsel or the State Board of Elections for the precise nature of these component petitions. (Secs. 10-2, 10-5)

B.

CAUCUS NOMINATIONS

Procedures governing the conduct of the established political party caucus and the issuance of certificates of nomination are set forth in Section 10-1 of the Election Code for municipalities under 5,000 population.

The caucus method of candidate nomination rather than a primary election shall be used by established political parties in cities, villages, or incorporated towns with a population of less than 5,000. (Secs. 7-1, 10-1)

NOTE: Municipalities with a population of under 5,000 may provide by ordinance for established parties to nominate candidates by primary election. Such an ordinance must be passed and notice filed with the county clerk by November 15, 1986. All election cost relating to this primary are to be paid by the municipality. Municipal caucuses shall be conducted on the Monday (January 12, 1987) preceding the first day for filing caucus certificates of nomination in each year in which municipal officers are to be elected, except that, where such Monday is a holiday or the eve of a holiday, the caucuses shall be held on the next business day following the holiday. (Sec. 10-1)

C.

ACCOMPANYING DOCUMENTS

1. A statement of candidacy for each candidate shown on the petition (or caucus certificate) must be attached to the petition (or certificate) when filed. (Secs. 7-10, 10-4, 10-5)

2. A loyalty oath for each candidate is optional and may be attached to the petition (or certificate) when filed. (Secs. 7-10, 10-5)

3. A receipt showing that the candidate filed a Statement of Economic Interests (ethics statement) with the county clerk. If such receipt is not filed with the petition (or certificate), it must be filed with the local election official not later than the last day of the petition filing period. (Secs. 7-12.8, 10-5; Ch. 127, Sec. 604A)

   NOTE: Candidates for multi-county regional board of school trustees must file their receipt for their Statement of Economic Interests with the State Board of Elections.

4. New political party petitions shall have attached thereto a certificate stating the name and addresses of party officers authorized to fill vacancies in nomination. (Secs. 10-2, 10-5)

D.

PLACE OF FILING

Candidate nomination papers and/or party caucus certificates of nomination shall be filed with the local election official (e.g., village clerk, school board secretary, etc.) of the political subdivision in which the candidate is seeking nomination or election. However, candidates for the office of (1) regional school trustee shall file with the county clerk, if single county, or with the State Board of Elections if multi-county, (2) township school trustee (Cook County only) shall file with the township school treasurer. (Secs. 7-12(3), 10-6(6); Ch. 122, Pars. 5-4, 6-10,)

Municipalities entirely within a jurisdiction of city board of election commissioners, independent, nonpartisan and new party candidate nomination papers and party caucus certificates of nomination are filed with the board of election commissioners, while established party candidate petitions are filed with the local election official. (Secs. 7-12(3), 10-6)

The local election official should (a) give a pre-filing notice indicating the time and location for the filing of nomination petitions (or caucus certificates of nomination) and (b) keep his office open until 5:00 p.m. on the last day of the filing period. This pre-filing notice may be accomplished by a press release to a local newspaper. (Secs. 1-4, 7-12(6), 10-6.2)

When nomination papers (or caucus certificates of nomination) are filed, the local election official shall:

1. Receipt for acceptance of the nomination papers; (Secs. 7-12.6, 10-6.2)
2. Time/date stamp such papers; (Secs. 7-12.6, 10-6.2), and
3. Preserve the nomination papers for six months. (Sec. 10-7)

Further, when a political subdivision does not have an official office, as such, petitions can only be received by the local election official or his/her designee at a location and times designated by the official. Ample notice should be given of the location and times of petition filing by causing the information to be published in a newspaper of general circulation in the area as well as posting a notice in a conspicuous public location. Please keep in mind that the location designated for petition filing must remain open until 5 p.m. on the last day of petition filing.

E.

TIME OF FILING

(Sections 7-12, 10-1, 10-3, 10-6)

The Election Code fixes the time for filing nomination papers (or caucus certificates) as shown in the following chart:

CANDIDATES	OFFICES	TIME OF FILING
1(a). Established political parties - nominations by primary.	1(a). Municipalities*	1(a). Not more than 78 nor less than 71 days before the consolidated primary.
1(b).	1(b). Municipalities (on an annual election schedule).	1(b). Not more than 78 nor less than 71 days before the consolidated primary and before the special municipal primary of even-numbered years (6 weeks before the municipal election at the general primary).
2. Established political parties - nomination by caucus.	2. Municipalities* (under 5,000 population)	2. Not more than 78 nor less than 71 days before the consolidated election.
3(a). Independents.	3(a). Municipalities	3(a). Not more than 78 nor less than 71 days before the consolidated election.

CANDIDATES	OFFICES	TIME OF FILING
3(b).	3(b). Municipalities (on an annual election schedule).	3(b). Not more than 78 nor less than 71 days before the consolidated election and not more than 78 nor less than 71 days before the general primary
4(a). New political parties.	4(a). Municipalities	4(a). Not more than 78 nor less than 71 days before the consolidated election.
4(b).	4(b). Municipalities (on an annual election schedule).	4(b). Not more than 78 nor less than 71 days before the consolidated election and not more than 78 nor less than 71 days before the general primary.
5(a). Nonpartisan candidates.	5(a). Municipalities required to have nonpartisan elimination primary if more than 2 candidates file for the same office.	5(a). Not more than 78 nor less than 71 days before the consolidated primary.
5(b).	5(b). Park districts, library districts.	5(b). Not more than 78 nor less than 71 days before the consolidated election.

*NOTE: Municipalities under 5,000 population which have adopted an ordinance providing for a primary election pursuant to Ch. 46, Secs. 7-1 and 10-1.

CANDIDATES	OFFICES	TIME OF FILING
5(c).	5(c). School districts operating under Article 33 of the School Code (annual elections).	5(c). Not more than 78 nor less than 71 days before the consolidated election and not more than 78 nor less than 71 days before the general primary.
5(d).	5(d). School districts, (not operating under Article 33 of the School Code) community college districts, boards of school trustees, township land commissioners, fire protection districts, other special purpose districts.	5(d). Not more than 78 nor less than 71 days before the nonpartison election.

F.

SIMULTANEOUS PETITION FILING-LOTTERY

(Sections 7-12(6), 10-6.2)

All petitions filed by persons waiting in line at the office of the local election official as of 8:00 a.m. or the normal opening hour of such office on the first day of filing shall be deemed simultaneously filed as of 8:00 a.m. or the opening hour, as the case may be. Petitions filed by mail and received after midnight of the first day of filing in the office of the local election official in the first mail delivery or pickup on the first day of filing shall be deemed simultaneously filed as of 8:00 a.m. or the opening hour of such office, as the case may be. All petitions received thereafter shall be deemed filed in the order of actual receipt.

When two or more petitions are simultaneously filed for the same office as of the opening hour of the filing period (same political party if partisan election), the local election official shall break ties and determine the order of filing by means of a lottery or other fair and impartial method of random selection approved by the State Board of Elections. The lottery shall be conducted within 9 days after the last day of the petition filing period and shall be open to the public. In addition, the local election official shall give 7 days written notice of the time and place of the lottery to the candidates involved, party officials (if partisan petitions), and any civic groups who had been entitled to have pollwatchers present at the next preceding election, as well as posting the notice in a conspicuous open and public place.

The lottery system to be used by the State Board of Elections, election authorities and local election officials is found in State Board of Elections' Rule and Regulation 201.40 Simultaneous Filings for the Same Office - Lottery (see Appendix #1). Any other lottery or system of impartial random selection used to determine candidate ballot order for

simultaneous petition filing must be approved by the State Board of Elections.

G.

CAMPAIGN DISCLOSURE DOCUMENTS

(Sections 7-12.7, 9-16(7), 10-6.1)

Each local election official shall provide to each candidate at the time of petition filing a notice of obligation as provided under the Campaign Financing Act (Form D-5). The notice shall state that the manual of instructions and forms for the statements required to be filed under this Article 9 of the Election Code are available from the State Board of Elections or the county clerk upon request.

If the candidate files his petition in person, the local election official shall deliver the notice to the candidate "over the counter" and obtain a receipt.

If an agent files the candidate's petition or if the candidate files by mail, the local election official shall, within two business days of receipt of the candidate's petition, send the notice to the candidate by first class mail. The notice shall briefly outline who is required to file under the campaign disclosure law and the penalties for failure to file.

NOTE: When petitions for a public question are filed with the local election official, we <u>recommend</u> that the official provide a notice of obligation (Form D-5) to the proponent whose name is indicated on the certificate attached to the petition or to the attorney for the proponents if no name is listed.

H.

PETITION OBJECTIONS AND HEARINGS

(Sections 10-8, 10-9, 10-10, 10-10.1)

Objections to nomination papers (or certificates of nomination) may be filed with the local election official within the 5 business days following the last day of the petition filing period. The local election offical shall note the day and hour upon the objector's petition, and shall, not later than 12:00 noon on the next business day, transmit by registered mail or receipted personal delivery the original nomination papers (or caucus certificate) and the objections to the chairman of the proper electoral board and copy of the objections to the candidate whose petition (or certificate) was objected to.

We recommend that the local election official keep his/her office open on the last day of objection filing for receipt of objections (5th business day).

The following electoral boards are designated to hear and pass upon objections to nomination papers (or certificates) of candidates for political subdivision office.

1. The State Board of Elections

   A. Jurisdiction: The State Board of Elections will hear and pass upon objections to the nominations of candidates for congressional, legislative and judicial offices of districts and circuits situated in more than one county. Nominations of candidates for the offices of States' attorney or regional superintendent of schools to be elected from more than one county. Petitions for proposed amendments to the Constitution of the State of Illinois.

B. Composition: Appointed members of the State Board of Elections

2. County Officers Electoral Board

A. Jurisdiction: The county officers' electoral board will hear and pass upon objections to the nominations of candidates for county offices, for congressional, legislative and judicial offices of a district or circuit coterminous with or less than a county. For school trustees to be voted for by the electors of the county, and for all special district offices. For special districts situated in more than one county, the county officers' electoral board of the county in which the principal office of the district is located has jurisdiction to hear and pass upon objectons.

B. Composition: County Clerk (chairman), Clerk of the Circuit Court of the County, and State's Attorney or his designee. In any county having a county board of election commissioners, that board shall constitute the county electoral board.

3. Municipal Officers Electoral Board

A. Jurisdiction: Municipalities.

B. Composition: Mayor or president of the municipality (chairman), the municipal clerk and one member of the city council (or village board or trustees) who is eligible to SERVE on the electoral board and has SERVED the greatest number of years as a member of the city council or board of trustees.

4. Education Officers Electoral Board

A. Jurisdiction: School districts and community college districts.

B. Composition: Presiding officer of the school or community college board as chairman, the secretary of the school or community college board and the eligible elected school or community college board member having the longest term of continuous service.

5. City Boards of Election Commissioners

A. Where a school district, community college district, or special purpose district (park district, library district and so on) is coterminous with or situated entirely within a city under the jurisdiction of a board of election commissioners, the board shall constitute the electoral ooard for that political subdivision.

B. Where municipality is within a city under the jurisdiction of a board of election commissioners, the board shall constitute municipal officer's electoral board, as the case may be.

For special districts (all political subdivisions other than counties, municipalities, and school and community college districts) situated in more than one county, the county officers electoral board of the county in which the principal office of the district is located has jurisdiction to hear and pass upon objections.

In case a member of the electoral board is a candidate for the office in question, he/she shall not be eligible to serve on that board and his/her place shall be filled as follows:

County Officers Electoral Board - by the county treasurer, and if he/she is ineligible to serve, by the sheriff of the county.

Municipal Officers Electoral Board - by the eligible elected city council or board of trustees' member who has served the second greatest number of years as a city council or board of trustees member.

Education Officers Electoral Board - by the eligible elected school or community college district board member who has had the second longest term of continous service as a board member.

NOTE: In the event that the chairman of the electoral board is ineligible to act because of the fact that he is a candidate for the office with relation to which the objector's petition is filed, then the substitute chosen above shall be chairman.

When (2) two or more eligible individuals, by reason of their terms of service on a city council or village board of trustees, or school or community college district board, qualify to serve on an electoral board, the one to serve shall be chosen by lot.

Any other vacancies shall be filled by public members appointed by the Chief Judge of the Circuit Court for the county where the electoral board hearing is being held upon notification to the Chief Judge. The Chief Judge shall be so notified by a member of the electoral board or the officer or board with whom the objector's petition was filed. In the event that none of the individuals designated to serve on the electoral boards are

eligible, the chairman of the electoral board shall be designated by the Chief Judge. (Ch. 46, Sec. 10-9)

A candidate or objector may seek judicial review of an electoral board decision in the county in which the electoral board hearing was held. Petition for judicial review must be filed with the circuit court within 10 days after the decision of the electoral board. (Ch. 46, Sec. 10-10.1)

I.

PETITION WITHDRAWAL

(Sections 7-12.9, 10-7)

Nomination papers (or certificates) may be withdrawn up to the date of certification of candidates 61 days before the primary or election, as the case may be. However, for offices that are deemed incompatable, a candidate must withdraw from all but one office within 5 days following the last day to file petitions or his/her name will not be certified for any office.

Such withdrawal should be in the form of a signed and notarized letter to the local election official, election authority, or the State Board of Elections who received the original nomination paper(s).

For information regarding filling vacancies in nomination, see Section A on page 64.

V. CERTIFICATION OF CANDIDATES

A.

FOR THE CONSOLIDATED PRIMARY

(Section 7-13.1)

Not less than 61 days before the consolidated primary (and special municipal primary of even-numbered years), the local election official of each municipality required to hold a primary shall certify the names of all candidates whose petitions have been filed in their offices and in the order so filed or as determined by lot to each election authority in whose jurisdiction their municipality is situated.

The local election official shall issue an amended certification whenever it is discovered that the original certification is in error.

If a municipality, not under the jurisdiction of a board of election commissioners, is situated in 2 or more counties, the certification shall be made to the county clerk of each county.

If the primary is partisan, the certification shall also indicate the established political party affiliation of the candidates for the respective offices.

No primary election shall be held for an established political party in any municipality or ward for which the nomination for every office is uncontested. The nomination by an established political party for any municipal or ward office shall be deemed uncontested where not more than the number of persons to be nominated have filed valid nominating petitions for such office. (Secs. 7-5, 7-12)

Whenever one or more, but not all, of the offices is uncontested, a primary shall be held for the contested offices, provided that the primary ballot shall not include the uncontested offices. (Secs. 7-5, 7-12)

When an individual files a written statement or notice with the local election official (prior to certification day) indicating that he/she is a valid write-in candidate for any office for which the nomination is uncontested, a primary ballot shall be prepared and a primary shall be held for that office. (Secs. 7-5, 7-12)

If the primary is nonpartisan, the certification shall so indicate and the candidates shall be certified for the respective offices in order of petition filing (See page 22).

NOTE: Under the commission form and certain managerial forms of municipal government, if not more than twice the number of candidates file petitions for any office to be filled, then no primary shall be held and the certification of candidates is filed with respect to the consolidated election.

However, the names of candidates whose petitions have been held invalid by the proper electoral board shall not be certified unless and until the electoral board decision is reversed by the court pursuant to judicial review.

Within 5 days following the canvass and proclamation of the results of the consolidated primary, each local election official shall certify to each election authority who shall place upon the official ballot to be voted at the consolidated election the names of all candidates for municipal office nominated at the consolidated primary. In the case of multiple offices (e.g., village trustees), the name of each candidate shall be placed on the ballot according to the highest number of primary votes received. (Sec. 7-60.1)

If an election contest has been filed against a candidate nominated at the consolidated primary, the election authority shall not place the name of the candidate on the consolidated election ballot pending resolution of the contest. (Secs. 7-58, 7-63)

B.

FOR THE CONSOLIDATED AND NONPARTISAN ELECTIONS

(Sections 7-60.1, 10-15)

Not less than 61 days before the consolidated election, special municipal election, and nonpartisan election, the local election official of each political subdivision participating in the election shall certify the names of all candidates whose nomination papers (or caucus certificates of nomination) have been filed in their offices and in the order so filed to each election authority in whose jurisdiction their respective political subdivisions are situated.

The certification shall indicate the political party affiliation and/or, "independent" designation or no designation if candidates are nonpartisan for the respective offices.

If a political subdivision is situated in 2 or more counties, the certification shall be made to the county clerk of each county. If a political subdivision is situated partially within a city under the jurisdiction of a board of election commissioners and partially within the county, the certification shall be made to such board and to the county clerk.

However, the names of candidates whose nomination papers (or caucus certificates of nomination) have been held invalid by the proper electoral board shall not be certified unless and until the electoral board decision is reversed by a court pursuant to judicial review.

C.

ADDITIONAL CERTIFICATION REQUIREMENTS

(Sections 7-13.1, 10-15)

The certification shall include the following information, if applicable:

1. where more than one candidate is to be nominated or elected to a particular office, the certification shall indicate the number to be nominated or elected (e.g., "For Trustee, 3 to be Elected");
2. where a voter has the right to vote for more than one candidate for office (e.g., vote for three);
3. where 2 candidates for the same office are to be nominated or elected for different terms, the certification shall indicate the length of each term (e.g., "John Doe, For a 4 year term; Jane Roe, For a 2 year term");
4. where a political subdivision statute prescribes a special ballot format for its election of officers, the certification for that political subdivision shall specify the prescribed ballot format (e.g., school elections where membership on boards of education is restricted as to incorporated and unincorporated areas, the ballot shall specify the residence address of each candidate or residency of each candidate).

D.

BALLOT PLACEMENT LOTTERY

(Section 7-60.1)

The local election official of each municipality in which a consolidated primary (or special municipal primary) or party caucus was held to nominate established political party candidates, shall determine by a fair and impartial method of random selection (e.g., lottery) the order of placement of the established political parties on the consolidated election (or the municipal election at a general primary) ballot.

1. Nomination by Primary

   Determination of established political party placement on the consolidated election ballot shall be made prior to certification.

   The local election official shall give 3 days written notice of the time and place of conducting the ballot placement lottery to the county chairman of each established political party and each civic organization entitled to pollwatcher credentials.* Immediately thereafter, the ballot placement order shall be certified to the election authority.

2. Nomination by Caucus

   Determination of established political party placement on the consolidated election ballot shall be made prior to certification.

*It is recommended that local established parties also be notified of the lottery.

The local election official shall give 3 days written notice of the time and place of conducting the ballot placement lottery to the county chairman of each established political party and to each civic organization entitled to pollwatcher credentials.* The ballot placement order shall be certified to the election authority as part of the certification of candidates for that municipal election.

3. New Political Parties

New political parties shall be certified for the consolidated election ballot (or municipal election ballot at the general primary) in the order of new political party petition filings and after the established political parties. (Section 10-15)

4. Independent Candidates

Independent candidates shall be certified for the consolidated election ballot (or municipal election ballot at the general primary) in the order of petition filing and after the established political and new political parties.

*It is recommended that local established parties be included in this notice notification.

VI. ABSENTEE VOTING

A.

IN GENERAL

(Section 19-2.1)

For the consolidated primary, general primary, consolidated, general and nonpartisan elections persons qualified to vote by absentee ballot under Article 19 of the Election Code may make application for ballot to the election authority not more than 40 nor less than 5 days before the elections.

Where the proximity of the consolidated primary to the consolidated election makes it necessary, the period for issuance of absentee ballots for the consolidated election for those precincts in which candidates for municipal office were nominated at the consolidated primary may be shortened to not less than 25 days before the consolidated election. (Sec. 19-4)

Where an elector qualifies under Section 19-1 of the Election Code to cast an absentee ballot at any regularly scheduled election, he/she may vote in person:

1. at the office of the election authority not more than 40 days or less than 1 day prior to the election;
2. at the office of an authorized municipal clerk not more than 22 days or less than 1 day prior to the election if the voter is a resident of a municipality which has no board of election commissioners (Sec. 19-2.1); or
3. at the office of an authorized township clerk (or road district clerk in counties not under Township Organization),

if the elector is not a resident of a municipality, not more than 22 days or less than 1 day prior to the election. (Sec. 19-2.1)

Each election authority shall provide a reasonable number of mail applications to all local election officials whether or not they are authorized to conduct in-person absentee voting.

B.

LOCAL ABSENTEE VOTING - AUTHORIZATION

(Section 19-2.1)

The Election Code provides for local in-person absentee voting for all elections in the following manner.

1. Each full-time municipal and township (or road district) clerk having a regular business office (not a place of residence) adequately staffed and open for business during the same hours as the election authority shall conduct in-person absentee voting;

2. Each part-time municipal and township (or road district) clerk having a regular business office (not a place of residence) but no regularly scheduled office hours shall conduct in-person absentee voting unless such clerk files a written waiver with the election authority not later than July 1 of each year. Such waiver shall indicate the reasons why the clerk is unable to conduct in-person absentee voting.

   If no waiver is so filed, then such clerk shall be available - or have adequate staff available - in his or her office to process in-person applicants for absentee ballots not more than 22 nor less than 1 day before all elections. Such

clerk's office must be open from 8:30 a.m. to 4:30 p.m., or 9:00 a.m. to 5:00 p.m., weekdays, and 9:00 a.m. to 12:00 noon on Saturdays, but not during such hours as the office of the election authority is closed. However, authorized part-time clerks may extend their hours to include any hours in which the election authority's office is open;

3. Those municipal and township (or road district) clerks who have no regular business offices other than a place of residence shall not be authorized to conduct in-person absentee voting; and

4. The election authority <u>may</u> devise alternative methods (e.g., satellite offices) for in-person absentee voting before the elections for those precincts located in a municipality or township (or road district) where the clerk has waived or is not authorized to conduct such voting.

C.

LOCAL ABSENTEE VOTING - SUPPLIES

(Section 19-2.1)

At least 23 days before the consolidated primary, general primary, consolidated, general and nonpartisan elections, the election authority shall make available to those municipal and township (or road district) clerks authorized to conduct in-person absentee voting for the elections the following materials:

1. registration lists coded to show political subdivision ballot entitlement of each voter in those precincts from which the clerks may receive applications;

2. a sufficient number of application forms, ballot envelopes, printed voting instruction slips and other supplies necessary to conduct in-person absentee voting; and

3. a sufficient number of ballots for each configuration of political subdivision offices and/or questions for each precinct from which the clerks may receive applications. The clerks shall receipt to the election authority for all ballots received and shall return all unused or spoiled ballots to the office of the election authority on the day of election.

D.

LOCAL ABSENTEE VOTING - CONDUCT

(Section 19-2.1)

When conducting in-person absentee voting, the clerk shall not be required to qualify voters by the comparison of a signature on the application with a signature on the registration record card. However, the clerk shall reasonably ascertain the identity of the applicant and shall verify registration and determine the ballot entitlement of each applicant by use of the coded registration lists provided by the election authority. If the name of an applicant does not appear on the registration lists, then registration shall be verified and ballot entitlement shall be determined via phone call to the office of the election authority. The authorized clerk must maintain a posted list in his/her office of those voters who voted absentee.

Once the clerk has determined the registration and ballot entitlement status of the voter, the clerk issues the voter the proper ballot and directs the voter to a voting booth. The voter thereupon marks

his/her ballot in secret, signs the completed affidavit on the ballot envelope, and places the ballot in and seals the ballot envelope provided. If the voter spoils the ballot, he/she can return it and be issued a new ballot by the clerk. The spoiled ballot is marked "spoiled" and returned to the election authority.

Keep in mind that electioneering within 100 feet of the room where in-person absentee voting is occurring is prohibited. This prohibition includes posters, signs and buttons.

When the voter has returned the ballot in the signed and sealed envelope, the clerk shall seal the ballot application and ballot envelope in a carrier envelope and shall deliver the envelope to the proper precinct polling place before the polls close on the day of election.

E.

MILITARY AND OVERSEAS VOTING

Persons qualified to vote under Article 20 of the Election Code may make mail application to the office of the election authority not more than 100 nor less than 10 days before any of the elections.

The election authority shall at least forty-five (45) days prior to the date of the election have sufficient ballots printed for mailing to persons who have filed application for ballot under the provisions of Article 20.

F.

TEMPORARILY ABSENT STUDENT VOTING

Persons qualified to vote under Article 19-12.3 of the Election Code will receive an application from election authority no later than the 40th day preceding the date of any election. (Thursday, January 15, 1987)

VII. ELECTION ADMINISTRATION

A.

NOTICE OF ELECTION

(Sections 7-15, 7-18, 16-10)

(Article 12)

The election authority shall publish the notice of election. The notice requirements for the odd-year elections are not substantially different than the even-year requirements. Following are the odd-year notice requirements for elections as well as those for referenda.

1. Consolidated Primary

   a. At least 60 days prior to the consolidated primary, the election authority shall provide public notice, calculated to reach elderly and handicapped voters, of the availability of registration and voting aids under the Federal Voting Accessibility for the Elderly and Handicapped Act, of availability of assistance in marking the ballot, and procedures for voting by absentee ballot.

   b. Not more than nor less than 10 days before the Consolidated Primary, the election authority shall publish a notice which shall include:

      (1) the time and place of holding the primary;

      (2) the hours during which the polls shall be open (e.g., 6:00 a.m. - 7:00 p.m.);

      (3) each political subdivision office for which candidates shall be nominated;

      (4) the political parties entitled to participate and the color of the primary ballot of the respective parties; and

(5) the list of addresses of the precinct polling places (unless this list is separately published by the election authority not less than 10 days before the primary).

c. In counties, municipalities, or towns having fewer than 500,000 inhabitants, notice shall be published not more than 30 nor less than 10 days before the primary:

(1) in one or more newspapers published in each political subdivision having such primary;

(2) if no such newspaper, then once in a local newspaper having circulation in the subdivision and once in a newspaper published in the county and having general circulation in all political subdivisions holding a primary; or

(3) whenever these notice requirements cannot be complied with because of the absence of any qualified newspaper, it shall be sufficient to post the required notice in five (5) public places in the political subdivision.

NOTE: The local election official shall publish a specimen ballot prior to the consolidated primary election (see "8," pages 50 and 51). (Sec. 7-21)

2. Consolidated Election and Nonpartisan Election

a. Notice shall include:

(1) the time and place of holding the election;

(2) the hours during which the polls shall be open (i.e., 6:00 a.m. - 7:00 p.m.);

(3) each political subdivision office for which candidates shall be elected; and

(4) the list of addresses of the precinct polling places (unless this list is separately published by the election authority not less than 10 days before each election).

b. Notice shall be published not more than 30 nor less than 10 days before each election:

(1) once in one or more newspapers published in each political subdivision;

(2) if no such newspaper, then once in a local newspaper having general circulation in the subdivision and once in a newspaper published in the county and having general circulation in all political subdivisons holding an election; or

(3) whenever these notice publication requirements cannot be complied with because of the absence of any qualified newspaper, it shall be sufficient to post the required notice in five (5) public places in the political subdivision.

3. Public Questions (Secs. 12-4, 12-5)

a. At Regular Elections

(1) notice shall be published by the election authority not more than 30 nor less than 10 days before the regular election at which a public question of a political subdivision is to be submitted;

(2) the publication requirements for public questions shall be the same as for the election of officers of political subdivisions (see "2," page 41). In

addition, the notice shall set forth the public question as it will appear on the ballot and shall include any information required by the statute authorizing the question, such as a description of boundaries for annexation questions.

b. Emergency Referenda

(1) notice shall be published by the election authority not less than 20 days before an emergency referendum;

(2) the publication requirements for emergency referendum shall be the same as for the election of officers of political subdivisions. In addition, the notice shall set forth the public question as it will appear on the ballot and shall include any additional information required by the statute authorizing the question; and

(3) such notice shall also list the precinct polling place addresses at which the emergency referendum shall be conducted.

4. Exception (Sec. 12-6)

Notwithstanding the publication of notice requirements for the consolidated election or for public questions, notice of municipal elections and municipal public questions in municipalities under 500 population may be given by posting the required notice in five (5) public places in the municipality.

B.

PRECINCTS AND POLLING PLACES

The Election Code provides that the voting precincts established by the county boards and boards of election commissioners shall be the precincts used for all elections.

1. Precinct Clustering - (Sec. 11-7)

Under the provisions of "precinct clustering," an election authority may group together not more than 4 contiguous precincts into one common precinct - a "clustered voting zone" - with one centrally located polling place. Put very simply, two, three, or four precincts may be combined and administered as one precinct.

Precinct clustering is optional for the consolidated primary, consolidated election, nonpartisan election, and the special municipal primary. However, for emergency referenda precinct clustering shall be used except where the unavailability of suitable polling places prevents clustering. However, precinct clustering may not be used unless there is a suitable polling place in terms of size and a central location is available. No precinct clustering is permitted in the general primary and general election of even-numbered years.

Unless the election authority specifies a larger number, only one election judge shall be appointed for each of the precincts in each clustered voting zone. The judges so appointed may not all be affiliated with the same political party. All the judges shall share responsibility for the conduct of the election in the clustered voting zone.

In the clustered voting zone, each judge would be assigned a duty station. However, at the voter identification stations, two judges of opposite party affiliation shall be required to determine voter qualifications (binder card signature comparison) and ballot entitlement (political subdivision residency code).

2. Municipal Polling Places - (Secs. 11-1, 11-2)

Where the established polling place for a precinct in which a municipal primary or election will be conducted at the consolidated primary or election or a municipal public question will be submitted at an emergency referendum is located outside such municipality, the election authority shall, upon the request of the city council or village board of trustees at least 60 days before the primary or election, establish a polling place within such municipality. However, the municipal governing body must first provide a suitable polling place location.

3. Precinct Maps - (Sec. 11-6)

It is the responsibility of the county board to prepare maps for each township in the county showing all precinct boundaries no later than 45 days before each election. The maps, which may include transparent overlays, shall show the boundaries of all political subdivisions.

C.

JUDGES OF ELECTION

1. Selection of Election Judges - (Secs. 7-26, 13-6, 14-3.1)

The regular precinct judges of election who are selected by the county boards and boards of election commissioners from lists

furnished by the respective County Central Committee Chairmen, are appointed by the election authority, confirmed by the circuit court and certified for two years to serve for all elections. The judges shall serve at the general primary and general election of even-numbered years and at the consolidated primary, consolidated election and nonpartisan electon of odd-numbered years.

2. Reduction of Election Judge Panels - (Secs. 13-1, 13-2, 14-3.1)

For the consolidated primary, consolidated election and nonpartisan election, county boards and boards of election commissioners may appoint three judges of the five regular judges to serve in those precincts in which (a) not more than 300 registered voters reside or (b) all voters are entitled to vote the same ballot. Otherwise, the regular panel of five election judges shall be required to serve.

For emergency referenda, the special municipal primary, and special congressional primaries and elections, three election judges may be selected to serve in each precinct. In those precincts where three election judges are appointed, two judges must be affiliated with one established political party and one judge must be affiliated with the other established political party.

D.

BALLOTS

1. Preparation of Ballots

The election authority shall prepare and have printed the ballots for all elections. The facsimile signature of the election authority shall be printed on the back of each political

subdivision ballot. In punch-card voting jurisdictions, the signature shall be printed on the first page of the ballot booklet. (Secs. 7-16, 7-20, 16-3)

Ballots - paper ballots, ballot pages (for punch-card voting devices) or ballot labels (for voting machines) - used in odd year elections may be printed on different color paper or material (except blue, reserved for Constitutional Amendments) to distinguish between the candidate ballots of the different political subdivisions. (Secs. 16-3, 24-11, 24A-6)

The ballot cards, ballot card envelopes and ballot sheets may, at the discretion of the election authority, be printed on white paper and then striped with the appropriate colors. (Secs. 16-3, 24-11, 24A-6)

Separate ballots - paper ballots, ballot pages, or ballot labels - for public questions of political subdivisions shall be a different color than (a) candidate ballots, (b) blue Constitutional Amendment ballots, and (c) green judicial retention ballots. (Sec. 16-7)

Where candidates for political subdivision office are required by law to run as nonpartisan candidates (school districts, commission form municipalities, etc.), the ballot column listing such candidates shall be printed <u>without</u> any party circle or "independent" appellation at its head. (Sec. 16-3)

2. <u>Ballot Sequence - Political Subdivision Offices</u> - (Sec. 16-4.1)

The ballot sequence for each political subdivision shall be as follows:

a. <u>Consolidated Primary</u> - municipal offices;

b. <u>Consolidated Election</u> - municipal offices, township (or road district) offices, park districts, library districts; and

c. Nonpartisan Election - elementary (common or consolidated) school districts, high school districts, community unit districts (K-12), township school trustees (Cook County only) township and commissioners, community college districts, regional boards of school trustees, and other elected nonpartisan special districts in the order determined by the election authority.

3. Ballot Sequence - Political Subdivision Referenda - (Sec. 16-7)

Public questions of a political subdivision are placed on the ballot (same page or next page) immediately following the candidates for nomination or election in that political subdivision unless the placement is not feasible. However, if a public question of a political subdivision is certified for an election other than the election at which candidates for offices in that political subdivision are nominated or elected, the public question may be placed at the end of the ballot or wherever feasible, as determined by the election authority.

4. Separate Ballots - (Sec. 16-4.1)

Political subdivision ballots for the consolidated primary, consolidated election, and the nonpartisan election shall be considered separate (e.g., the offices and candidates for each political subdivision shall appear on separate ballot pages in punch-card voting jurisdictions or in separate columns in machine jurisdictions).

In paper ballot jurisdictions, the offices and candidates for each political subdivision may be contained on a common ballot; but such ballot must clearly indicate and separate the offices and candidates for each political subdivision.

5. Straight Party Voting - (Secs. 16-4.1, 24A-6)

The election authority shall provide ballots for straight party voting (established and new political parties) in municipal elections.

In punch-card jurisdictions this may be accomplished by providing for a straight party punch and circle (for each political party's slate of candidates) printed at the top of the municipal candidate ballot page.

In voting machine jurisdictions, the election autnority shall provide straight party levers for each political party.

In paper ballot (or ballot sheet) jurisdictions, separate party circles, for marking a straight party ballot, shall be included at the top of the ballot over each political party's slate of candidates for municipal offices.

6. Paper Ballot Option - (Sec. 24-1.2)

a. As a cost-saving method, any election authority required by law to use voting machines or voting devices in elections under his jurisdiction may permit the use of paper ballots in all or some precincts for the following elections only:

(1) Consolidated Primary;

(2) Consolidated Election;

(3) Nonpartisan Election;

(4) Special Municipal Primary (of even-numbered years); and

(5) Emergency Referenda.

b. Use of paper ballots in these elections is not permitted if:

(1) the only offices and/or public questions on the ballot at said elections are for one or more political subdivisions which have used voting machines or voting devices

furnished by the election authority in previous elections; and

(2) the ballot is long and complex (e.g., the number of political subdivisions having candidates and/or public questions on the ballot in the precinct is substantial) and the use of machines or devices is cost effective (e.g., no showing of reduced costs if paper ballots were used).

7. Introduction of Voting Equipment - (Secs. 24-1.1, 24A-3)

For the first consolidated primary, consolidated election and nonpartisan election where voting machines or electronic voting systems were introduced, adopted or used, the election authority shall cause notice of use of voting machines or electronic voting systems (punch-card devices) to be published at least 2 months before each of these elections. Such notice shall be published at least once in one or more newspapers of general circulation published within the county.

8. Specimen Ballots - (Secs. 7-21, 16-10, 24-12, 24A-18)

Prior to the consolidated primary (and special municipal primary), the election authority shall prepare specimen ballots, substantially in the form of the official primary ballot, for each political party participating in the primary and shall supply them to the precinct judges of election and to the appropriate local election officials. At least 5 days prior to the consolidated primary (and special municipal primary), each local election official is required to publish a copy of the specimen ballot for his/her local unit of government in 2 or more newspapers published within his/her political subdivision or, if no such newspapers, in

2 or more newspapers published within his/her county and having a general circulation in the political subdivision holding the primary. (See Notices, page 40.)

No specimen ballot publication is required for the consolidated election or nonpartisan election. However, the election authority shall prepare specimen ballots for these elections which shall be available for public inspection and distribution at least 5 days prior to the election and shall be supplied to the judges of election for posting in the precinct polling places.

In every county of not more than 500,000 inhabitants, each election authority shall publish, prior to election day, a list of all nominations made for all offices to be voted for at such election, as near as may be in the form in which they shall appear on the general ballot. (Chap. 46, Sec. 16-10)

E.

CONDUCT OF ELECTIONS

(Article 7, 17 and 18)

1. Polling Place Procedures

Election day procedures in odd-year elections in the precinct polling places are substantially the same as even-year elections. At the consolidated primary, consolidated election and nonpartisan election, the judges of election shall process voters in the same manner now prescribed by law for the general primary and general election of even-numbered years.

However, the Election Code does prescribe additional polling place duties for judges of election, as follows:

a. identifying voters in political subdivisions for the purpose of ballot entitlement by means of coded registration cards or lists; and

b. marking of the application for ballot to show the respective political subdivision ballots given the voter.

2. Pollwatchers

Pollwatchers shall be permitted in the odd-numbered year elections in the numbers and in accordance with the procedures now prescribed by law for pollwatchers in the even-numbered year elections. Pollwatchers credentials shall be issued by and under the facsimile signature of the election authority and shall be available for distribution to qualified persons and groups at least 2 weeks prior to the consolidated primary, consolidated election and nonpartisan election. (Secs. 7-34, 17-23, 26 Ill. Adm. Code, Ch. 1, Sec. 206.10)

NOTE: See Manual of Instruction for Election Judges published by the State Board of Elections for a more complete discussion of polling place procedures.

F.

FORM OF ELECTION RETURNS

(Sections 7-56, 17-22, 18-14)

In precincts where paper ballots are used for the consolidated primary, consolidated election and nonpartisan election, the election authority shall furnish to the judges of election in each precinct one of the following forms of tally sheet and certificate of results:

1. a combined form showing the votes cast for candidates and questions of all political subdivisions having an election and/or referendum in the precinct; or

2. separate forms showing only the votes cast for candidates and questions of each political subdivision having an election and/or referendum in the precinct.

The judges of election shall prepare such tally sheet and certificate of results in triplicate and in accordance with the count and tally procedures prescribed by law for the general primary and general election.

Each completed tally sheet and certificate of results (returns of election) shall be securely sealed in an envelope and immediately delivered by 2 judges of election (bi-partisan) to the election authority.

In precincts where punch card voting is used, the election authority shall furnish the judges of elections in each precinct write-in tally sheets and ballot records.

The judges of election shall record the valid write-in votes for candidates of each political subdivision on the tally sheets. If there are no write-in votes the judges shall write "None" across the sheets before signing them.

Each completed tally sheet shall be placed in the proper envelope, sealed, and signed by the judges across the flap of the envelope.

The judges must complete the ballot record for each political subdivision. All judges must sign the ballot record and two judges (bi-partisan) shall immediately return the tally sheets and ballot records to the election authority.

VIII. CANVASS AND PROCLAMATION

A.

TRANSMITTAL OF RETURNS

(Sections 7-56, 17-22, 18-14)

Within 2 days after the receipt of complete precinct returns of the consolidated primary, consolidated election and nonpartisan election, the election authority shall transmit all write-in tally sheets and precinct printouts (or certificate of results) for each precinct in which a political subdivision election and/or referendum was held to the local election official of that political subdivision.

Within 24 hours after receipt from the election authority(ies) of all precinct tally sheets, printouts (or certificates of results) for his/her political subdivision, the local election official shall transmit such documents to the chairman of his/her political subdivision's canvassing board.

B

LOCAL CANVASS PROCEDURES - PRIMARY

Within 7 days after the consolidated primary, the local canvassing boards shall open and canvass the precinct returns. The canvassing boards shall be constituted as follows:

1. for the nomination of candidates for city office the board shall consist of the mayor (chairman-recommendation), city attorney, and city clerk; (Sec. 7-56 (1))

NOTE: In cities under the jurisdiction of a board of election commissioners, the board together with a judge of the circuit court (chairman-recommendation) and the city attorney shall constitute the city canvassing board. (Secs. 7-56(6), 22-8)

2. for the nomination of candidates for village office the board shall consist of the president (chairman-recommendation), one member of the board of trustees and the village clerk; (Sec. 7-56(2))

Upon completion of the canvass, said boards shall proclaim the results of the consolidated primary.

NOTE: When two or more candidates receive the highest and equal number of votes for a particular office, the canvassing board must conduct a lottery to break the tie and determine the nominee. Such board shall issue a notice in writing to the persons of the tie stating the place, day and hour where the lottery will be conducted. The lottery must be conducted within 5 days of such notice. (Sec. 7-59)

If the consolidated primary for a municipality was partisan, the canvassing board shall make a separate tabulated statement of returns for each political party and shall proclaim the results of the primary for each political party. The proclamation certificate shall name and state party affiliation of the candidates nominated for the respective offices. (See page 58 for information on write-in candidates.)

Within 5 days after the completion of the canvass of the consolidated primary, each canvassing board shall file its proclamation certificate (abstract of votes) with each election authority required to place the names of the nominated candidates for municipal office on the ballot for the consolidated election. Thereupon, the election authority shall prepare and issue a certificate of nomination to each person declared nominated by a local canvassing board. (Sec. 7-60.1)

However, if a notice of election contest has been filed with the canvassing board, the board shall withhold from its certificate the name of the candidate whose nomination is contested pending court hearing and resolution of the contest. Within one day after receipt of a certified copy of a court order in the election contest, the board shall then file its certificate showing the candidate declared nominated by the court. (Sec. 7-58)

NOTE: If a local canvassing board canvasses a court ordered public question, a signed copy of the abstract shall be sent to the proper court separately. (Chap. 46, Sec. 22-18)

After the completion of the canvass of the Consolidated Primary, each canvassing board shall file an abstract of official canvass with each election authority required to place names of the nominated candidates on the ballot for the Consolidated Election. Successful write-in candidates shall not appear on proclamation unless they have qualified for nomination. (Chap. 46, Sec. 7-58)

The local canvassing board shall file an abstract of official canvass of results of public questions to the election authority and a duplicated copy with the State Board of Elections. (Chap. 46, Secs. 7-58, 22-18)

C.

LOCAL CANVASS PROCEDURES - CONSOLIDATED AND NON-PARTISAN ELECTION

Within 7 days after the consolidated election and nonpartisan election, the local canvassing boards shall open and canvass the precinct returns and prepare an abstract of votes received by candidates for each political subdivision office. Such canvassing boards shall be constituted as listed on page 54 and 55.

Procedural requirements for the local canvass and proclamation of results shall be in accordance with procedural requirements otherwise provided in Article 22 of the Election Code. Consult your legal counsel or the State Board of Elections for procedural requirements. (Sec. 22-18)

Immediately upon completion of the canvass, the canvassing board for each political subdivision (except the city canvassing board in cities under the jurisdiction of a board of election commissioners) shall transmit a duplicate (or signed copy) of its abstract of votes to each election authority in whose jurisdiction the political subdivision is entirely or partially situated. In addition, each canvassing board shall send a duplicate of its abstract of votes to the State Board of Elections. (Sec. 22-18)

NOTE: When two or more candidates receive the highest and equal number of votes for a particular office, the local canvassing board must conduct a lottery to break the tie and determine the winner. The board shall issue a written notice to such candidates indicating the location, day and hour of the lottery. (Sec. 22-12)

The county clerk shall prepare and issue a certificate of election to each person declared elected to office by the local canvassing board. For political subdivisions situated in two or more counties, the county clerk of the county in which the principal office of the political subdivision is located shall prepare and issue such certificates. In cities under the jurisdiction of a board of election commissioners, the board shall prepare and issue certificates to persons declared elected to city office and offices in those political subdivisions for which the board performed as the canvassing board. (Sec. 22-18)

D.

WRITE-IN CANDIDATES

(Sections 7-58, 7-59, 7-60.1, 17-16.1, 22-18)

For the consolidated primary, consolidated and nonpartisan elections, write-in votes shall be counted only for individuals who have filed notarized declarations of intent to be a write-in candidate no later than 5:00 p.m. on Friday preceding the election (unless for a deceased candidate whose name was printed on the ballot, then a declaration of intent shall be filed by 12:00 noon on Monday immediately preceding the election).

NOTE: Write-in votes shall be counted for an individual whose name is written in for an office for which no candidate has filed a petition for nomination or election and no declaration of intent is required. (For proceedings regarding an uncontested primary, see page 29.)

Within 5 days upon the completion of the canvass of results for the Consolidated Primary Election and within 10 days following the canvass of the Consolidated and Non-partisan Elections, write-in candidates who are declared nominated or elected must file a statement of candidacy, loyalty oath (optional) and a statement of economic interest receipt with the proper local election official.

Upon the filing of the necessary documents, the election authority shall issue a certificate of nomination or election to the write-in winners, upon their application.

IX. RECOUNTS AND CONTESTS

A.

DISCOVERY RECOUNTS

(Section 22-9.1)

Within 5 days after the last day for a local canvassing board to proclaim the results of the consolidated primary, consolidated election or nonpartisan election for its political subdivision, any losing candidate for an office in that political subdivision who received votes equal to 95% of the number of votes received by any nominated, elected or declared eligible for a runoff election candidate for the same office, or any 5 electors within the area of a public question, which, if the losing side of the question would have prevailed if it had received an additional number of votes equal to 5% of the total vote cast on the question, may file a petition for discovery recount with the election authority.

The petition for discovery shall ask that ballots - paper ballots, punch cards or voting machine counters, voter affidavits and applications for ballots - be examined and counted in specified precincts not to exceed 25% of the total number of precincts in which the election for that political subdivision was held. However, in jurisdictions having fewer than 4 precincts, a discovery recount shall be permitted in one of such precincts. In addition, such petition shall also ask that any automatic tabulating equipment (e.g., computer program, ballot counting devices, etc.) used in the election be tested. Such petition shall be accompanied by a fee of $10.00 per specified precinct which the election authority shall transmit to the county or city treasurer, as the case may be.

Upon receipt of the petition for discovery, the election authority shall notify the chairman of the appropriate local canvassing board who shall reconvene the canvassing board at a location designated by the

election authority. Thereupon, the election authority in conjunction with the reconvened local canvassing board shall examine and recount the ballots (e.g., paper ballots, punch cards, voting machine counters, and at the request of any candidate entitled to participate, the voter affidavits and applications for ballot) and test any automatic tabulating equipment for the precincts specified in the discovery petition.

A three day notice to the successful candidate is required prior to the discovery recount proceedings.

Each candidate affected by the examination shall have the right to attend the discovery recount proceedings in person or by his representative. In the case of a discovery for a public question, the local canvassing board must permit equal numbers of acknowledged proponents and opponents to attend the examination. On completion of the discovery recount, the election authority shall reseal and secure the ballots for the remainder of the 60 day ballot preservation period required by law.

The results of the examination and count shall not be certified, used to amend or change the abstracts of the votes previously completed, used to deny the successful candidate for the same office his certificate of nomination or election, nor used to change the previously declared result of the vote on a question of public policy. Such count shall not be binding in an election contest brought about under the provisions of the Election Code, shall not be a prerequisite to bringing such an election contest, shall not prevent the bringing of such an election contest, nor shall it affect the results of the canvass previously proclaimed.

B.

PRIMARY ELECTION CONTESTS

Section 7-63 of the Election Code prescribes the legal and procedural requirements for initiating and conducting a primary contest.

Within 10 days of the completion of the canvass of the consolidated primary by a municipal canvassing board, any losing candidate for nomination for municipal office may contest the nomination of the winning candidate by filing a petition, e.g., lawsuit with the clerk of the circuit court and a notice of the pendency of the contest with the canvassing board. The circuit court of the county in which such petition was filed shall hear the contest within 10 days.

Summons shall be issued to each defendant named in the petition and the case heard and determined by the circuit court at any time not less than 5 days after service of process. The petitioner shall give security for all costs.

Any defendant may, within 5 days after service of process upon him, file a counter claim and shall give security for all cost relating to such counterclaim.

If the court enters judgment in favor of the plaintiff, e.g, losing candidate, the clerk of the circuit court shall transmit a certified copy of the judgment order to the proper canvassing board and to the proper election authorities. Thereupon, the canvassing board shall correct its tabulated statement of returns and issue a certificate of nomination in accordance with the court order pending any appeal.

C.

ELECTION CONTESTS

Section 23-5 et seq. of the Election Code generally prescribes the legal and procedural requirements for initiating and conducting an election contest.

Within 30 days after a local canvassing board proclaims the results of the consolidated election or nonpartisan election for its political subdivision, any losing candidate for office or any qualified voter in that political subdivision may contest the election of the winning candidate by filing a petition, e.g., lawsuit with the clerk of the circuit court. However, if an election for city alderman or village trustee is being contested, such petition shall be filed with the city council or village board. Notice of the contest shall be filed with the local canvassing board.

Copies of the petition for contest shall be delivered to each election authority having custody of any ballots involved in the contest.

When a contest for the office of city alderman (elected by ward) or village trustee (elected by district) involves ballots for the same precincts subject to circuit court jurisdictions in a contest for another office, the city council shall have first priority of access and possession of those ballots and other election materials for 30 days following the commencement of the aldermanic or trustee contest. The election authority shall notify the court and the city council or village board of trustees of the pendency of all other contests relating to the same precincts. (Sec. 23-6.1)

The circuit court (or city council or village board, as the case may be) shall hear and determine the election contest. If the court enters judgment in favor of the plaintiff, it shall either declare as elected the person who shall appear to be duly elected or, if evidence of mistake or irregularity in the conduct of the election is so substantial that it is impossible to determine the true results of the election as a whole, it may void the election and order a new election without regard to the ELCO schedule. If a city council or village board of trustees votes in favor of the plaintiff, it shall declare as elected the person who shall appear to be duly elected.

A court hearing an election contest shall grant a petition for recount properly filed where, based on facts alleged in such petition, there appears a reasonable likelihood the recount will change the results of the election. (Sec. 23-23.2)

NOTE: If a new election is ordered as a result of an election contest, the affected political subdivision pays the cost for conducting the election when such special election is not conducted at the time of a regular election. (Secs. 17-30, 17-32, 17-33, 18-18)

X. VACANCIES AND SPECIAL ELECTIONS

A.

VACANCIES IN NOMINATION

(Sections 7-61, 10-11)

(26 Ill. Adm. Code, Ch. 1, Sec. 207.10)

A vacancy in nomination occurs when a candidate nominated for a municipal office dies, declines the nomination or, by reason of disability or legal disqualification, could not serve in the office if elected.

1. If the consolidated primary for a municipality was partisan, the vacancy in nomination shall be filled by resolution of the appropriate managing committee (i.e., city central committee, ward committee) of the established political party having such vacancy.

   Any vacancy in nomination occurring on or after the primary and prior to certification must be filled prior to the date of certification.

   Any vacancy in nomination occurring after the date of certification but prior to 15 days before the consolidated election shall be filled within 8 days of the event creating the vacancy. Within 3 days after the managing committee adopts its resolution filling such vacancy, a notice of resolution shall be delivered to each election authority charged with the preparation of the consolidated election ballot for the municipality having such vacancy and the person named in the notice of resolution shall be substituted on the ballot for the original nominee.

However, a vacancy in nomination occurring 15 days or less before the consolidated election shall not be filled, the name of the original nominee shall appear on the ballot. If the result of the official canvass shows that the original nominee was elected, he/she shall be proclaimed elected and a vacancy in office shall then be created.

2. If the consolidated primary for a municipality was nonpartisan (e.g., commission form of government), the vacancy in nomination shall be filled by the losing candidate who received the next highest number of votes. If there is no "runner-up" to fill a specific vacancy in nomination, then the write-in candidate who received at least 10% of the number of votes received by the original nominee shall fill the vacancy. (Ch. 24, Sec. 4-3-13)

3. If the nomination of a candidate nominated by petition for a new political party for a political subdivision office becomes vacated prior to the date of certification then (except as otherwise provided in the statute governing the political subdivision) the vacancy may be filled prior to the date of certification by the political party officers listed on the certificate attached to the petition that is filed at the time the new political party is created. The officers must file with the proper local election official a notice or resolution naming a substitute candidate.

   Vacancies in nomination occurring after certification but prior to 15 days before the consolidated election may be filled within 8 days after the event creating the vacancy by a notice or resolution naming a substitute candidate issued by

the political party officers or other persons making the original nomination and filed with the proper local election official who shall immediately notify the appropriate election authority. Any such vacancy occurring 15 days or less before the consolidated election shall not be filled and the name of the original nominee shall appear on the ballot. If the original nominee is elected, it would create a vacancy in office.

4. Whenever the name of an independent candidate for an office is withdrawn or an independent candidate's petition is declared invalid by an electoral board or upon judicial review, no vacancy in nomination for that office shall exist and the filing of any notice of resolution purporting to fill a vacancy in nomination shall have no legal effect. (Sec. 10-7)

B.

VACANCIES IN OFFICE

A vacancy in office occurs upon the happening of any of the following events before the term of office expires: (Sec. 25-2)

1. death;
2. resignation;
3. insanity;
4. change of residency outside the political subdivision or district thereof;
5. conviction of an infamous crime;
6. refusal or neglect to take the oath of office or give bond as required by law;
7. contested election voided by the court;

8. vacancy in nomination not filled; original nominee declared elected;

9. removal of the office-holder; or

10. other reasons specified in the statute governing a political subdivision.

Vacancies in political subdivision office may be filled as follows:

1. Municipal office (Ch. 24, Sec. 3-2-7)

   a. 4 year term: If more than 28 months remain in the term and the vacancy occurs more than 130 days before the next consolidated election (e.g., mid-term), the office shall be filled for the unexpired portion of the term by special election at the next regularly scheduled municipal election. Until the vacant office is filled at the election, it shall be filled by interim appointment;

      (1) in the case of a city alderman vacancy, the mayor with the advice and consent of the city council shall appoint some qualified person. (Ch. 24, Sec. 3-4-14)

      (2) in the case of a vacancy in the office of village trustee, the president and the remaining trustees voting jointly shall appoint some qualified person. (Ch. 24, Sec. 3-5-2)

      (3) in the case of a vacancy in the office of city mayor, the city council shall appoint one of their members acting mayor. (Ch. 24, Sec. 3-4-6)

      (4) in the case of a vacancy in the office of village president, the village board of trustees shall appoint some qualified person. (Ch. 24, Sec. 3-5-1)

(5) in the case of a vacancy in office in the <u>commission form</u> of government, the remaining commissioners shall, <u>within 30 days</u> of the occurrence of the vacancy, appoint some qualified person. (Ch. 24, Sec. 4-3-4)

However, if less than 28 months remain in the term or if the vacancy occurs less than 130 days before the <u>next</u> regularly scheduled municipal election, the vacancy shall be filled by appointment - as heretofore provided - for the balance of the unexpired term.

NOTE: For the aldermanic form of city government, a vacancy in the office of city clerk or city treasurer shall be filled for the balance of the unexpired term by the mayor with the advice and consent of the city council. (Ch. 24, Sec. 3-4-2) and

b. <u>2 year term</u>: Vacancy shall be filled by appointment - as heretofore provided - for the balance of the unexpired term.

2. <u>School and Community College District Offices</u>

(Ill. Rev. Stat., Ch. 122, Par. 10-10)

a. If 28 months or more remain in the 4 year term (or 6 year term if adopted by referendum) or if the vacancy occurs 88 days or more before the next regularly scheduled nonpartisan election, the office shall be filled for the unexpired portion of the term by special election at that nonpartisan election. Until the vacant office is filled at that election, it shall be filled by <u>interim appointment</u> by the remaining members of the school board.

b. However, if less than 28 months remain in the 4 (or 6) year term, or if the vacancy occurs less than 88 days before the next regularly scheduled nonpartisan election, the vacancy shall be filled by appointment - as heretofore provided - for the balance of the unexpired term. If the board fails to act within 30 days after the vacancy occurs, the appropriate regional superintendent of schools shall, within 15 days, fill the vacancy. (Ch. 122, Par. 10-10)

c. A vacancy in the office of (township) school trustee shall be filled by the remaining trustees until the next regularly scheduled nonpartisan election at which election a successor shall be elected to serve the remainder of the unexpired term. However, if the vacancy occurs with less than 28 months remaining in the term, or if less than 88 days before the regularly scheduled nonpartisan election, the person so appointed shall serve the remainder of the unexpired term. If the trustees fail to act within 30 days after the vacancy occurs, the appropriate regional superintendent of schools shall within 15 days, fill the vacancy. (Ch. 122, Par. 5-14)

d. A vacancy in the office of Community College Trustee shall be filled by the remaining trustees until the next regularly scheduled nonpartisan election. If the remaining trustees fail to act within the 30 days after the vacancy occurs, the appropriate regional superintendent shall fill the vacancy for the unexpired term. (Ch. 122, Par. 103.7)

3. Park and Public Library District Offices - (Ch. 105, Par. 2-25)

   a. If 28 months or more remain in the 4 year term and the vacancy occurs 88 days or more before the next regularly scheduled consolidated election, the office shall be filled for the unexpired portion of the term at that consolidated election. Until the vacant office is filled at that election, it shall be filled by appointment by the remaining park commissioners;

   b. However, if less than 28 months remain in the term, or if the vacancy occurs less than 88 days before the next regularly scheduled consolidated election, the vacancy shall be filled by appointment for the balance of the unexpired term.

4. Public Library District Offices - (Ch. 81, Sec. 1004-7)

   All vacancies shall be filled by appointment by the remaining trustees until the next election, or appointment date, at which time a trustee shall be elected or if a trustee of a library district with an appointed board, shall be appointed by the appointing authority for a full term or an unexpired term, as the case may be. Vacancies occurring more than 180 days before the next election date shall be filled forthwith.

5. Other Political Subdivisions -

   a. Refer to the "vacancy in office" provisions of the statute governing the political subdivision.

   b. Refer to the "assumption of office" provisions of the statute governing the political subdivision.

XI. PUBLIC QUESTIONS (Referenda)

A.

IN GENERAL

(Section 28-1)

Article 28 of the Election Code shall govern the procedures for the initiation and submission of public questions at all regular elections and an emergency referendum. (Secs. 2A-1C, 2A-1.2f)

This includes:

1. questions initiated by ordinance or resolution of a political subdivision governing body as well as questions initiated by petition, and
2. questions advisory in nature as well as questions having legally binding effect.

B.

QUESTIONS HAVING LEGAL EFFECT

(Section 28-1)

1. In the case of legally binding public questions authorized by a political subdivision statute (e.g., Municipal Code, School Code, etc.) or other statute (e.g., Revenue Act, Local Government, etc.) any of the following petition requirements specified in such statute shall govern in addition to the general petition requirements (e.g., uniform sized sheets consecutively numbered and securely bound, circulator's affidavit, etc.) of the Election Code:
   a. number of petition signatures required;
   b. qualifications (other than voter registration) of persons entitled to sign petition;

c. place of filing the petition;

d. form of the question to be submitted; and

e. contents of the petition (e.g., description of boundaries or affected territorial area in the case of annexations or liquor issues).

However, where a political subdivision or other statute so provides, public questions of a legally binding effect may be initiated by ordinance or resolution adopted by the political subdivision's governing body. Furthermore, there may be restrictions set forth in the statute governing the referenda that limit the public question to submission at a particular election.

NOTE: No public question shall be submitted to the voters of a political subdivision at any regularly scheduled election at which such voters are not scheduled to vote for candidates for nomination, for election or retention in public office.

2. In the case of legally binding municipal public questions authorized by Article VII, Section 6 (home rule) and Section 7 (non-home rule) of the Illinois Constitution, the general petition requirements of the Election Code shall govern. Such petition shall be signed by not less than 10% of the number of registered voters in the municipality and shall be filed with the municipal clerk. However, such questions may also be initiated by resolution of the municipal corporate authorities. (Sec. 28-7)

C.

ADVISORY QUESTIONS

In the case of advisory public questions, the general petition requirements of the Election code shall govern. Such petition shall be

signed by not less than 10% of the registered voters of the political subdivision in which the question is to be submitted and shall be filed with the local election official of that political subdivision. (Secs. 21-1, 28-6)

NOTE: Advisory questions of public policy in non-home rule units of government can only be initiated by petition and not by resolution or ordinance (Op. Att'y Gen. #83-013).

D.

TIME OF PETITION FILING

(Sections 10-8, 28-2, 28-5)

A petition for a public question shall be filed with the appropriate officer or board not less than 78 days prior to a regular election to be eligible for submission on the ballot at such election. Petitions to form a new political subdivision must be filed with the appropriate office or board not less than 108 days before a regular election in which the question is to be submitted. (See page 82.) Attached to such petition shall be a certificate showing the name and address of one proponent of the public question or the attorney for the proponents.

A resolution or ordinance initiating a public question must be adopted by the appropriate public body not less than 65 days before a regular election.

Unless a particular statute authorizing a public question specifies the regular election at which such question shall be submitted, the petition, resolution, or ordinance initiating such question may specify the

regular election for its submission, and the question shall be limited to that election. However, no petition, resolution, or ordinance initiating a public question of a political subdivision may specify an election more than one year after the date on which it was filed or adopted. If the petition, resolution, or ordinance does not specify a regular election for submission, such question shall be certified for and submitted at the forthcoming election occurring not less than 78 days (for petitions) after its filing or 65 days (for resolution or ordinance) after its adoption.

NOTE: We recommend that the local election official provide a notice of obligation (Form D-5) as provided under the Campaign Disclosure Act to the proponent whose name is indicated on the certificate attached to the petition or to the attorney for the proponents if no name is listed.

E.

"BACK-DOOR" REFERENDA

(Sections 28-1, 28-2)

When a "back-door" referendum (e.g., question of acceptance or rejection of prior official action of a governing body submitted to the voters of a political subdivision) is permitted by a political subdivision statute, any time restrictions in another statute on the filing of the "back-door" petition shall be in addition to the 78 day filing deadline for public question petitions.

EXAMPLE: If the statute provides that a "back-door" petition may be filed within 30 days after the publication of a local ordinance, such petition must still be filed not less than 78 days before the next regular election to be eligible for submission at that election. Therefore, it

is recommended that, when a local ordinance or resolution is subject to "back-door" referendum provisions, such ordinance or resolution be adopted at least 30 days prior to the 78 day petition filing deadline.

F.

CERTIFICATION

(Section 28-5)

Not less than 61 days before a regular election, each local election official shall certify the public question initiated by petition, resolution or ordinance of the local governing body to the proper election authorities for submission to the voters of the political subdivision at that election. The certification shall include the form of question for placement on the ballot and the date on which the question was initiated, either by petition, resolution, ordinance or court order. Additionally, the certification for annexation to, disconnection from, or formation of political subdivisions shall include a description of the affected territory whenever such territory is not coterminous with an existing political subdivision.

Notwithstanding the method of initiation, not more than 3 public questions per political subdivision (other than back-door referenda - Section 28-1) or not more than one public question to change the form of municipal government may be submitted at the same election. If more than 3 questions are validly initiated by petition, resolution, or ordinance (or combination thereof), or more than 3 questions are certified by a local election official to the proper election authorities, the question(s) shall be certified and submitted for the next succeeding regular election unless the question(s) is withdrawn by the proponents. Whenever the 3 question limitation prevents the certification and submission of a public

question at an election, the local election official in receipt of the initiating petition, resolution or ordinance or the election authority in receipt of the certification shall give notice of such limitation by registered mail as follows:

1. in the case of a petition, to the person designated on the attached certificate as the proponent or attorney for the proponents;
2. in the case of a resolution or ordinance, to the local governing body of the political subdivision which adopted same; or
3. in the case of a certification from a local election official, to the local election official who shall notify the proponent or the local governing body, as the case may be.

NOTE: When certifying a public question, the local clerk <u>must</u> be careful that the question reads as shown on the petition, resolution, ordinance or court-order, as the case may be. The certification should be proofread for spelling or word errors.

G.

OBJECTIONS

(Section 28-4)

Objections to a public question petition may be filed with the local election official within 5 business days of the last day for petition filing. The provisions of <u>Sections 10-8 through 10-10.1 of the Election Code</u> relating to objections to nomination petitions, electoral board hearings on objections and judicial review shall be applicable to petitions for public questions of a political subdivision.

NOTE: A petition, once properly filed, is generally presumed valid unless determined otherwise by an electoral board convening pursuant to the filing of a petition of objection.

H.

COURT-ORDERED QUESTIONS

(Section 28-4)

In the case of public question petitions required by law to be filed with the circuit court (e.g., incorporation or formation of a political subdivision, annexation or disconnection of political subdivision territory), the following procedures shall govern.

1. Objections shall be presented to the court prior to the date established for the hearing. Unless otherwise provided in the statute authorizing the public question, the court shall:
   a. set a hearing on the petition;
   b. cause publication of notice of the hearing as soon as possible after the filing of the petition but not more than 14 days after the filing of the petition for referendum and not less than 5 days before the date set for hearings in a local newspaper published in the political subdivision or, if none, in a general circulation newspaper published in the county;
   c. insofar as practicable, conduct such hearing in the manner provided by law for electoral board objection hearings; and
   d. enter a final order not less than 7 days after the initial hearing.

2. Where the statute authorizing the public question requires a public hearing on the substance of the petition (e.g., determination of boundaries of territory proposed to be annexed), such hearing may be conducted by the court in conjunction with the objection hearing, if any.

3. Not less than 61 days before a regular election and not less than 30 days before an emergency referendum election ordered by the court, the clerk of the circuit court shall certify the public question to the proper election authorities for submission at that election. Certification of questions of annexation to, disconnection from or incorporation or formation of political subdivisions shall include a description of the affected territory in which the question is to be submitted whenever such territory is not coterminous with an existing political subdivision.

4. The 3 question limit per political subdivision election also applies to court-ordered public questions. In the event a court-ordered question exceeds the limit, the election authority shall give notice of limitation to the court which shall modify its order accordingly.

I.

CONTESTING REFERENDA ELECTION

Section 23-24 of the Election Code shall govern the procedures for contesting a referendum election.

J.

EMERGENCY REFERENDA

(Sections 2A-1(b), 2A-1.4, 11-1, 11-2, 11-7
12-5, 13-1, 13-2, 14-3.1, 16-3, 28-2, 28-5)

If a circumstance such as a natural disaster prevents a political subdivision from performing its corporate functions, the governing body of the political subdivision may request an emergency referendum to seek voter approval for immediate bonding authority or whatever authority is necessary for continued governmental operations. Such request for an emergency referendum date must be made by a majority of the members of the local governing board in the form of a petition to the circuit court which must state:

1. the nature of the emergency and why it would justify an exception to the regular election schedule;
2. the date of the next regularly scheduled election at which the proposition could be placed on the ballot; and
3. the estimated cost of conducting a separate emergency referendum.

The circuit court shall conduct a hearing on the petition at which time objections may be heard.

Should the circuit court find that an emergency exists, it shall then set the date for the emergency referendum.

Certification of the question shall be made by the circuit court to the proper election authorities not less than 30 days prior to the date set for the emergency referendum. The election authority(ies) shall cause notice of the emergency referendum to be published not less than 20 days prior to the date set for the referendum in one or more newspapers having a

general circulation in the political subdivision in which the question shall be submitted.

Expenses for the conduct of an emergency referendum are charged to the political subdivision if such referendum is not conducted at the time of a regular election. (Secs. 17-30, 17-32, 17-33, 18-18)

K.

INCORPORATION OR FORMATION OF NEW POLITICAL SUBDIVISIONS

(Sections 2A-1.2(f), 17-22, 18-14, 28-2, 28-5)

1. A petition for incorporation or formation of a new taxing district shall be filed with the proper officer (usually the circuit court) not less than 108 days before the regular election at which the incorporation or formation question is to be submitted.

2. If officers of the proposed new taxing district are to be elected, the petition for incorporation or formation must have an affidavit attached attesting to the fact that notice of intent to incorporate or form the new taxing district was published in a newspaper of general circulation within the territory of the new taxing district. Such notice shall appear not more than 138 nor less than 108 days before such election. Failure to file such affidavit shall render the petition, or any referendum held pursuant to such petition, void.

3. If the law governing creation of a new taxing district provides for the initial election of officers for such district, then such initial election shall be held with the referendum for the incorporation or formation (e.g., park district). The candidates for such offices shall file petitions not more than 78 nor less than 71 days before the election. The election of the initial

officers to serve the new district is subject to the passage of the referendum question for formation.

4. Additionally, the statutes governing the particular type of taxing district creation may contain additional requirements.

XII. ELECTION COSTS

(Sections 7-6, 17-30, 17-32, 17-33, 18-18)

(Ch. 34, Sec. 408; Sec. 25.051a)

Each county levies a direct tax to pay for the cost of regular elections. The levy eliminates the need for the election authority to bill each political subdivision participating in an election for its proportionate share of election costs. Thus, each political subdivision is no longer authorized to levy a tax to cover election expenses. However, please keep in mind, that the cost of emergency referenda and special elections not conducted at the time of a regular election will be reimbursed to the election authority(ies) by the political subdivision.

The following tax levies are authorized and each jurisdiction shall, whichever is less, levy either (1) the specified rate or (2) a rate which will cover the actual expense of conducting elections and a registration system.

The following tax levies are authorized:

1. Cook County is authorized to levy up to .05 (except in the City of Chicago) in odd-numbered years to pay for the consolidated primary, consolidated election and nonpartisan election;
2. DuPage County is authorized to levy an annual tax up to .065 to pay for all regular elections; and
3. All other downstate counties are authorized to levy an annual tax up to .055 to pay for all regular elections.

APPENDIX

TO

ELECTION HANDBOOK

FOR

LOCAL ELECTION OFFICIALS

1987 ELECTIONS

Section 201.40 Simultaneous Filings for the Same Office - Lottery

Simultaneous filings of candidate nominating petitions for the same office occur only at 8:00 a.m. on the first day of filing. The lottery system to be used by the State Board of Elections, the election authority, or the local election official to break ties resulting from such simultaneous filings must be approved by the State Board of Elections. The following system has been so approved:

a) The names of all candidates who filed simultaneously for the same office shall be listed alphabetically and shall be numbered consecutively commencing with the number one which shall be assigned to the candidate whose name is listed first on the alphabetic list; provided, however, that candidates filing a group petition for the same office shall be treated as one in the alphabetical listing using the name of the first candidate for such office to appear on the petitions as the name to be included in the alphabetical list. For example, if five candidates by the name of Downs, Brown, Edwards, Cook and Adams have filed simultaneously, they will be arranged alphabetically and assigned numbers as follows: Adams, one; Brown, two; Cook, three; Downs, four; and Edwards, five. However, if Cook and Adams filed a group petition and Cook's name appeared first on the petition, then the candidates would be arranged as follows: Brown, one; Cook and Adams, two; Downs, three; and Edwards, four.

b) All ties will be broken by a single drawing. A number shall be placed in a container representing each number assigned to each candidate and group of candidates pursuant to the alphabetical listing procedures set forth in paragraph a)

above. For example, if the largest number to be used for any office is five, then numbers one, two, three, four and five will be placed in a container. In this manner, sufficient numbers will be placed in the container to conduct a drawing for all offices at the same time.

c) After the numbers are placed in the container they shall be drawn one at a time from the container after they have been thoroughly shaken and mixed. The candidate or group of candidates in the position on an alphabetical list corresponding to the first number drawn shall be certified ahead of the other candidates listed on the alphabetical list. The candidate or group of candidates in the position on the alphabetical list corresponding to the second number drawn will be certified second and so forth until all numbers have been drawn. For example, where no group petitions were filed, if candidates Adams, Brown, Cook, Downs, and Edwards filed simultaneously at 8:00 a.m. on the first day of filing, and the number three is first drawn, then candidate Cook, who is listed in the third position on the alphabetical list, shall be certified first on the ballot. If the number one is drawn second, then candidate Adams, who is listed in the first position on the alphabetical list, shall be certified second on the ballot... and so on. For offices where group petitions were filed, using the example set forth above where candidates Cook and Adams file a group petition for the same office, and Cook's name appears first on the petition, and number three is drawn first, then candidate Downs would be listed first. If the number two is drawn second, then candidates Cook and Adams

would be certified second and third, respectively. If the number four is drawn third, then candidate Edwards would be certified fourth...and so on. In districts with fewer names on the alphabetical list than are in the drawing, then all numbers in excess of the number of candidates or group of candidates that appear on the particular alphabetical list shall be disregarded. Thus, if five numbers are placed in the container, and only four candidates or groups of candidates are on a particular list, then the number five shall be disregarded. For example, if candidates Adams and Cook, filing separate petitions, are the only candidates listed on the alphabetical list and five numbers are chosen in the following order, 3, 5, 4, 2 and 1, then candidate Cook's name will appear in the certification prior to the name of candidate Adams.

d) If at 5:00 p.m. on the last day of filing, two or more nominating petitions for the same office are presented, they shall be deemed filed in the order of actual receipt. Ballot position shall be assigned consecutively to these petitions with the first petition received placed upon the ballot before the second set of petitions received and so on. No nominating petitions will be accepted after 5:00 p.m.

e) All candidates shall be certified in the order in which petitions have been filed with the State Board of Elections, election authority or the local election official. In cases where candidates have filed simultaneously, they shall be certified (in the order determined by the lottery procedure outlined above) prior to candidates who filed for the same

office who filed their petitions at a later time, except in those situations where the law requires rotation on a district-by-district basis.

(Source: Amended at 5 Ill. Reg. 14140, effective December 4, 1981.

VE:bld/2988A

UNIVERSITY OF ILLINOIS-URBANA
3 0112 051319413

STATE BOARD OF ELECTIONS

State of Illinois

Board Members

Richard A. Cowen, Chairman
Theresa M. Petrone, Vice Chairman
Carolyn R. Eyre
J. Phil Gilbert
Joshua Johnson
John J. Lanigan
David E. Murray
Langdon D. Neal

Ronald D. Michaelson
Executive Director

1020 South Spring Street
P.O. Box 4187
Springfield, Illinois 62708
Telephone: 217/782-4141

State of Illinois Center
Suite 14-100
Chicago, Illinois 60601
Telephone: 312/917-6440

Printed by Authority of the State of Illinois

87-8-4M-10-86